



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,858	06/15/2001	Kumiko Sugiyama	7217/64725	8536

7590 05/21/2004

JAY H. MAIOLI  
COOPER & DUNHAM LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER
----------

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 05/21/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/881,858

Applicant(s)

SUGIYAMA ET AL.

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2684

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (Kimura et al.; US Patent No. 6539,243 B1) in view of Jarrad (Jarrad, Salah Khalil; US Patent No. 6,047,197 A).

Regarding claim 1, Kimura teaches of a portable telephone (figure 1, column 1, lines 5-7) for executing a plurality of functions (column 1, lines 40-53) selected from hierarchically structured menus (column 5, lines 63-67; column 7, lines 14-23 and column 1, lines 24-29 and 46-48; where the "predetermined order" and "main items" and "sub-items" represent "hierarchies"), the telephone comprising: a plurality of execution keys (column 1, lines 40-43; e.g., "buttons" corresponding to "keys") for instructing execution of respective functions (column 1, lines 40-43) from the plurality of functions; function assigning means for assigning selected ones of the plurality of functions desired to respective ones of the plurality of execution keys (column 1, lines 43-46); display means for displaying information (figure 1, item 4 and lines 4-12 of the abstract); and function executing means for executing the function assigned to the execution key in response to one of a pressing of the execution key (column 1, lines 40-43).

Kimura does not teach of a five-direction jog dial for movement in any of five directions, so as to perform input operations relative to the information displayed on the display means.

In related art concerning an icon driven phone menu system, Jarrad teaches of a five-direction jog dial for movement in any of five directions, so as to perform input operations relative to the information displayed on the display means (figure 1, item 14, column 2, lines 63-67 and column 3, lines 1-16; where the "five switches" have the

Art Unit: 2684

same function described in the invention) (In addition, US publication no.: 2003/0117380 A1 attached as reference, paragraph 0017 refers item 3, in figure 1, as "jog dial" which compares to item 14 found in the Jarrad's art used in this rejection).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Kimura's portable telephone for executing a plurality of functions with Jarrad's "five-direction jog dial" in order to facilitate the usage of the functions found in a portable telephone.

Regarding claim 2, Kimura teaches all the limitations according to claim 1. In addition, Kimura teaches where the plurality of execution keys is provided near the display means (lines 7-9 of the abstract); and the display means displays symbols representing the respective functions assigned to the execution keys by thee function assigning means near the plurality of execution keys (e.g., "icons" corresponding to "symbols"; columns 3 and 4, lines 56-67 and 1-16, respectively).

Regarding claim 3, Kimura teaches all the limitations according to claim 1. Kimura also teaches where the function assigning means assigns the function desired to the execution key regardless of a hierarchy of a menu containing the function (column 8, lines 17-23; e.g., where the function is "consecutively performed" regardless of hierarchy of a menu).

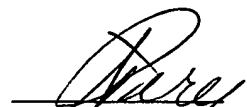
Art Unit: 2684

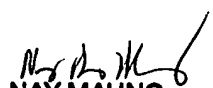
**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

  
Angelica Perez  
(Examiner)

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER  
Nay A. Maung  
(SPE)

Art Unit 2684

February 8, 2004